

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**UNITED STATES OF AMERICA,
ex rel. PAUL FRASCELLA**

v.

**ORACLE CORP., ORACLE AMERICA,
et al.**

Defendants.

CASE NO. 1:07cv529 (LMB/TRJ)

**RELATOR'S MOTION TO COMPEL PROMPT PRIVILEGE LOG
TO EXPEDITE RESOLUTION OF POTENTIAL PRIVILEGE DISPUTES**

Relator Paul Frascella, by undersigned counsel, moves to compel Defendants to produce a prompt privilege log to expedite resolution of potential privilege disputes that may affect the timing and sequence of discovery. In support of this motion, Relator submits an accompanying Brief in Support of Relator's Motion to Compel Prompt Privilege Log to Expedite Resolution of Potential Privilege Disputes and proposed Order.

CERTIFICATION OF COUNSEL

Counsel for Relator certifies that counsel for all parties met in person on Wednesday, February 2, 2011 and discussed procedural proposals for resolving Defendant's objections to certain of Relator's document requests that would potentially include communications with counsel for which Defendants would assert privilege. Counsel continued their discussions in the emails attached to this Motion, and in a phone call on February 4. Counsel were unable to work out an agreement by the time necessary to file this motion to get it noticed on the Court's docket for next week. However, counsel plan to talk again this evening. Communications between counsel on these issues have been professional and courteous. Relator's counsel remain hopeful

that Defendants' counsel may obtain client approval for some compromise that may obviate the need for judicial intervention, at least with respect to the privilege log issue.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that on this 4th day of February, 2011, a copy of Relator's Motion to Compel Prompt Privilege Log to Expedite Resolution of Potential Privilege Disputes, Brief in Support, and proposed order was electronically filed and served electronically on the following:

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